

## 16-05 - Transporting a Firearm in a Motor Vehicle

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# Los Angeles County Sheriff's Department NEWSLETTER

Field Operations Support Services, (323) 890-5411



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### TRANSPORTING A FIREARM IN A MOTOR VEHICLE

**Scenario:** A deputy conducts a traffic stop on a motor vehicle for a Vehicle Code violation. While speaking with the driver, the deputy sees a firearm magazine containing ammunition in the driver's side door panel/pocket. The deputy questions the driver (sole occupant) about the firearm magazine and is informed he/she has an unloaded firearm in the trunk of their vehicle. The deputy conducts an interior search of the vehicle (pursuant to *Carroll v United States, 1925*) and discovers a portion of the back seat that folds down, which allows direct access to the trunk from inside the vehicle. The deputy searches the trunk and finds an unloaded firearm wrapped in a blanket.

**Question:** Can the deputy arrest the individual for California Penal Code Section 25400(a)(1), Carrying a Concealed Firearm with the belief the driver has illegal access to the weapon?

**Issue:** In the above scenario, the deputy needs to determine whether or not the firearm was properly stored and readily accessible to the driver of the vehicle (sole occupant). The law states that firearms, when being transported in a vehicle, must be unloaded and stored in a locked container (25610(a)(1) PC). The term "locked container" means a secure container which is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device. This includes the trunk of a motor vehicle, but excludes the glovebox or center console (16850 PC).

**Answer:** There is likely no violation of 25400(a)(1) PC. The driver made reasonable efforts to secure the unloaded firearm in the trunk of the vehicle and separated the firearm magazine from the weapon. Accessibility to the weapon in the trunk of the vehicle was extremely limited, due to the driver's seating position and lack of passengers in the vehicle.

Section 25400(a)(1) PC states in full, “a person is guilty of carrying a concealed firearm when the person does any of the following: carries concealed within any vehicle that is under the person’s control or direction any pistol, revolver, or other firearm capable of being concealed upon the person.”

This Newsletter is a reminder to fully read the Penal Code sections you are arresting for and ensure the contents are applicable. When in doubt, ask your field sergeant for direction.

Information regarding the content of this newsletter may be directed to [Field Operations Support Services](#) at (323) 890-5411.

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